

**REMARKS**

Reconsideration of the present application, as amended, is respectfully requested. Claims 1, 17, 36, 39, 47, and 55 have been amended. Claim 37 has been canceled. Claims 63-71 have been added. As such, claims 1-36 and 38-71 are pending in the present application. Applicants wish to thank the Examiner for the indication of allowability of claims 2-8, 10-16, and 18-35. Applicants also thank the Examiner for the indication of allowability of claims 38, 40, 43-44, 50-56, and 59-60 if rewritten in independent form including the features of the base claim and any intervening claims.

Claims 1 and 17 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,732,077 to Whitehead ("Whitehead"). Amended claims 1 and 17 recite, in part, the features of "a first packet including a first length indicator", "a second packet including a second length indicator", "the first length indicator [relating] to a length of the first packet", and "the second length indicator [relating] to a length of the second packet."

In contrast, Whitehead teaches a length ID that indicates the length of a packet to be transmitted at a later time if permission is granted. A request message is sent, from a sender to a receiver, with a length ID regarding the length of the packet to be transmitted. The receiver composes a permit message that is sent from the receiver to the sender. If permission is granted, then the sender sends the message, the length of which was previously indicated by the length ID in the request. *See* Whitehead, col. 6, lines 15-23, 38-42, and 52-55. Whitehead teaches sending a length ID prior to sending the actual message, whereas claims 1 and 17, as presently amended, send a length indicator concurrently with the packet. Applicants respectfully submit that claims 1 and 17 distinguish over Whitehead and request that the §102 rejection of claims 1 and 17 be withdrawn.

Claims 36-37, 41-42, 45-49, 57-58, and 61-62 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,330,435 to Lazraq et al. ("Lazraq"). Claim 37 has been canceled, thereby rendering the rejection of this claim moot. Amended claim 36 recites, in part, the feature of "a variable round-trip delay [relating] to a delay, measured at the first unit, between a time at which the first packet is transmitted and the time at which the second packet is received at the first unit." Amended claim 47 recites, in part, the feature of "calculating, at the

first unit, a variable round-trip delay based on a time measurement between a time at which the first packet is transmitted and the time at which the second packet is received at the first unit.”

As noted at page 4 of the Office Action, “Lazraq [does] not specifically disclose a round-trip delay between reception of said packets is variable.” Applicants therefore submit that claims 36 and 47 distinguish over Lazraq and request that the §102 rejection of claims 36 and 47 be withdrawn.

Claims 41-42, 45-46, 48-49, 57-58, and 61-62 are either directly or indirectly dependent on claim 36 or 47 and should distinguish over Lazraq for at least the same reasons as stated above. As such, Applicants request that the §102 rejection of claims 41-42, 45-46, 48-49, 57-58, and 61-62 be withdrawn.

Applicants note that the Office Action asserts that these features are rendered obvious by Lazraq and U.S. Patent No. 6,505,034 to Wellig (“Wellig”). However, Applicants believe that the feature of a round-trip delay calculated at the first unit as claimed in claims 36 and 47 distinguishes over the combination of Lazraq and Wellig as noted below with respect to claim 39.

Claim 39 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lazraq in view of Wellig. Claim 39 is dependent on claim 36, which recites, in part, the feature of “a variable round-trip delay [relating] to a delay, measured at the first unit, between a time at which the first packet is transmitted and the time at which the second packet is received at the first unit.”

As noted above, it is acknowledged that Lazraq does not teach a variable round-trip delay. Wellig does not remedy the deficiencies of Lazraq in that Wellig also does not teach a variable round-trip delay that relates to a delay, measured at the first unit, between a time at which the first packet is transmitted and the time at which the second packet is received at the first unit. Instead, Wellig teaches measuring delay at the receiver. *See* Wellig, col. 3, lines 59-67. In Wellig no measurements are taken at the first unit, as claimed in claim 36.

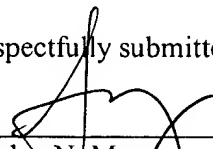
Furthermore, the measurements of Wellig are related to a delay measured between the last buffered PDU and the last acknowledged PDU. *See* Wellig, col. 4, lines 46-49. As claimed in claim 36, the round-trip delay relates to a time measurement between a time at which the first packet is transmitted and the time at which the second packet is received at the first unit. The round-trip delay of the invention as claimed is not analogous to the delay as taught by Wellig. Applicants submit that claim 39 distinguishes over the combination of Lazraq and Welling and request that the §103 rejection of claim 39 be withdrawn.

With respect to new independent claim 63, Applicants submit that claim 63 is not taught or suggested by the cited art for at least the same reasons as set forth above. Claim 63 recites the features of "a receiver for receiving a first packet including a first length indicator from a first unit" and "a transmitter for transmitting a second packet including a second length indicator to the first unit, wherein the timing of the transmission of the second packet is based on data of the first length indicator." As indicated above, none of the cited art teaches these features. Claims 64-71 are directly dependent from claim 63 and should also distinguish over the cited art for the same reasons as stated above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: 6/9/04

Respectfully submitted,

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